

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

MAURICE L. WARD, *Living Survivor of
(C.S.I.),*

Civil No. 14-4946 (JRT/TNL)

Petitioner,

ORDER

v.

MICHELLE SMITH, *Warden of Stillwater,*

Respondent.

Maurice L. Ward, #233135, MCF-Stillwater, 970 Picket Street, Bayport, MN 55003, *pro se* petitioner.

Matthew Frank, Marcy Crain, James Early, **MINNESOTA ATTORNEY GENERAL'S OFFICE**, 445 Minnesota Street, Suite 1800, St Paul, MN 55101-2134, for respondent.

Based upon the Report and Recommendation by United States Magistrate Judge

Tony N. Leung dated January 29, 2016 (Docket No. 47), along with all the files and records, and no objections to said Recommendation having been filed, **IT IS HEREBY ORDERED** that:

1. Petitioner's Petition Under 28 U.S.C. 2254 for Writ of Habeas Corpus by a Person Under State Custody (Docket No. 1) is **DENIED**.
2. Petitioner's Request for an Evidentiary Hearing with His Suggestions in Support (Docket No. 11) is **DENIED**.

3. Petitioner's Motion Pursuant to Rule 4 to Dismiss Respondent's Untimely Answer (Docket No. 31) is **DENIED AS MOOT**.

4. Petitioner's Pursuant to Rule 5d Motion for Production (Docket No. 39) is **DENIED**.

5. This action is **DISMISSED WITH PREJUDICE**.

6. Petitioner should **NOT** be granted a Certificate of Appealability.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Date: February 17, 2016
at Minneapolis, Minnesota.

s/John R. Tunheim
JOHN R. TUNHEIM
Chief Judge
United States District Court